



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Vale District Office  
100 Oregon Street  
Vale, Oregon 97918

IN REPLY REFER TO:

1742 / 4190 (ORV060)

**OCT 18 2011**

## NOTICE OF FIELD MANAGER'S FINAL DECISION

Dear Interested Public:

### BACKGROUND

During the summer of 2011, several lightning caused fires were ignited in the Jordan Resource Area, Vale District Bureau of Land Management (BLM). You are being notified of the decision to implement emergency stabilization and burned area rehabilitation actions as a result of the Clarks Butte Fire. The Clarks Butte Fire was ignited on August 6, 2011 and was contained on August 11, 2011 after burning 13,260 acres of public land approximately 16 miles west of Jordan Valley, Oregon. The Clarks Butte Fire burned within the West Crater and Clarks Butte Pastures of the West Cow Creek Allotment (#20902).

The BLM has completed an Emergency Stabilization and Burned Area Rehabilitation (ES/BAR) Plan and a Determination of NEPA Adequacy (DNA) # DOI-BLM-V060-2011-063 prior to the approval of the plan and the issuance of this decision. These documents can be viewed at: <http://www.blm.gov/or/districts/vale/plans/index.php>. If you wish to receive hard copies of these documents, they are available upon request at the District Office, 541-473-3144. The Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005 was completed by the Vale District Manager on July 12, 2005.

Planned actions include: construction of four miles of temporary-protective fence, potential closure of the burned area, sagebrush seed stalk scatter and control of noxious weeds. If necessary, a separate grazing decision will be issued to address the exclusion of livestock as a result of the Clarks Butte Fire.

### FINAL DECISION

My decision to implement the actions identified in the Clarks Butte Fire Emergency Stabilization and Burned Area Rehabilitation Plan includes sagebrush seed stalk scatter, weed treatments and temporary-protective fencing. This decision is effective immediately due to the immediate risk of erosion and damage due to wildfire, and is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states: Notwithstanding the provisions of 43 CFR 4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

## **Treatments**

Noxious weed control includes: surveying to detect the presence of noxious weeds, followed with treatment, then monitoring and re-treatment. The disturbed areas within and areas immediately adjacent to the fire boundary would be surveyed for Oregon Department of Agriculture Class A and T listed weeds and Malheur County Class A listed weeds. Since the area has not had an intensive inventory, there may be weeds of major concern within these areas.

Sagebrush will be seeded throughout the burned area utilizing All-Terrain Vehicles (ATVs) or Utility Terrain Vehicles (UTVs) by scattering sagebrush branches that contain seed. Seed will be collected by selectively pruning branches in late October and early November before seed is released. The pruning is expected to have little to no effect on the pruned plants. Branches containing seed will be cut and collected from areas adjacent to the burn. Pruned branches will be randomly distributed and left on the ground to provide a microsite to collect moisture and enhance germination. Approximately 10 – 20 branches will be scattered per acre on approximately 10% of the burned area. Approximately four miles of temporary protective fence will need to be constructed around the fire perimeter in the West Crater Pasture to exclude livestock, protect seedings, aid natural vegetation recovery and achieve management objectives.

## **RIGHT OF APPEAL**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR § 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR § 4.416. Any appeal should state clearly and concisely as to why the final decision is in error. If an appeal is taken, notice of appeal must be filed in the office of the authorized officer at the following address within 30 days from receipt of the decision. All grounds of error not stated shall be considered waived and no such waived ground of error may be presented at the hearing unless ordered or permitted by the administrative law judge. Any appeal should be submitted in writing to:

Field Manager, Jordan Resource Area  
Vale District Bureau of Land Management  
100 Oregon Street  
Vale, Oregon 97918

Filing an appeal does not by itself stay the effectiveness of the final BLM decision. The appeal may be accompanied by a petition for a stay of the decision pending final determination on appeal, in accordance with 43 CFR § 4.471 and 4.479. Any request for a stay of the final decision in accordance with 43 CFR § 4.21 must be filed with the appeal. In accordance with 43 CFR § 4.21 (b)(1), a petition for a stay must show sufficient justification based on the following:

The relative harm to the parties if the stay is granted or denied,  
The likelihood of the appellant's success on the merits,  
The likelihood of immediate and irreparable harm if the stay is not granted, and  
Whether the public interest favors granting the stay.

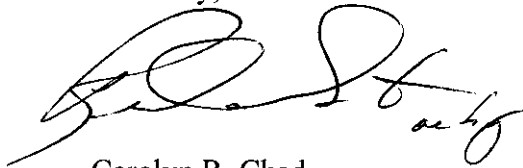
Additionally, in accordance with 43 CFR § 4.471(b), within 15 days after filing an appeal and petition for a stay with the authorized officer, the appellant must serve copies on:

- 1) All other person(s) named in the address heading of this decision; and
- 2) The appropriate office of the Office of the Solicitor as follows, in accordance with 43 CFR § 4.413(a) and (c):

Office of the Solicitor  
US Department of the Interior  
Pacific NW Region  
805 SW Broadway, Suite 600  
Portland, OR 97205

Finally, in accordance with 43 CFR § 4.472(b), any person named in the decision from which an appeal is taken (other than the appellant), who wishes to file a response to the petition for a stay, may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and respond, the person must serve copies on the appellant, the appropriate office of the Office of the Solicitor in accordance with Sec. 4.413(a) and (c), and any other person named in the decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn R. Chad', with a stylized flourish at the end.

Carolyn R. Chad  
Field Manager  
Jordan Field Office